



**House State Government Reported Substitute for
SB129**

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A BILL
TO BE ENTITLED
AN ACT

Relating to diversity, equity, and inclusion; to prohibit certain public entities from maintaining diversity, equity, and inclusion offices and from sponsoring diversity, equity, and inclusion programs; to provide prohibitions on the promotion, endorsement, and affirmation of certain divisive concepts in certain public settings; with exceptions to provide that certain circumstances are not prohibited; to require public institutions of higher education to designate restrooms on the basis of biological sex; and to authorize certain penalties for violation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following terms have the following meanings:

(1) CONTRACTOR. Any individual or entity that provides services to a state agency, public institution of higher education, or local board of education. This term does not include an individual or entity that provides construction services.



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29 (2) DIVISIVE CONCEPTS. Any of the following concepts:

30 a. That any race, color, religion, sex, ethnicity, or
31 national origin is inherently superior or inferior.

32 b. That individuals should be discriminated against or
33 adversely treated because of their race, color, religion, sex,
34 ethnicity, or national origin.

35 c. That the moral character of an individual is
36 determined by his or her race, color, religion, sex,
37 ethnicity, or national origin.

38 d. That, by virtue of an individual's race, color,
39 religion, sex, ethnicity, or national origin, the individual
40 is inherently racist, sexist, or oppressive, whether
41 consciously or subconsciously.

42 e. That individuals, by virtue of race, color,
43 religion, sex, ethnicity, or national origin, are inherently
44 responsible for actions committed in the past by other members
45 of the same race, color, religion, sex, ethnicity, or national
46 origin.

47 f. That fault, blame, or bias should be assigned to
48 members of a race, color, religion, sex, ethnicity, or
49 national origin, on the basis of race, color, religion, sex,
50 ethnicity, or national origin.

51 g. That any individual should accept, acknowledge,
52 affirm, or assent to a sense of guilt, complicity, or a need
53 to apologize on the basis of his or her race, color, religion,
54 sex, ethnicity, or national origin.

55 h. That meritocracy or traits such as a hard work ethic
56 are racist or sexist.



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57 (3) DIVERSITY, EQUITY, AND INCLUSION PROGRAM. Any
58 program, class, training, seminar, or other event where
59 attendance is based on an individual's race, sex, gender
60 identity, ethnicity, national origin, or sexual orientation,
61 or that otherwise violates this act. This term does not
62 include programs, classes, trainings, seminars, or other
63 events that are necessary to comply with applicable state law,
64 federal law, or court order.

65 (4) PUBLIC INSTITUTION OF HIGHER EDUCATION. As defined
66 under Section 16-5-1, Code of Alabama 1975, which includes all
67 universities governed by constitutionally created boards of
68 trustees.

69 (5) STUDENT. Any individual enrolled in a public K-12
70 school or public institution of higher education.

71 Section 2. A state agency, local board of education, or
72 public institution of higher education may not do any of the
73 following:

74 (1) Sponsor any diversity, equity, and inclusion
75 program or maintain any office, physical location, or
76 department that promotes diversity, equity, and inclusion
77 programs, as defined in subdivision (3) of Section 1.

78 (2) Direct or compel a student, employee, or contractor
79 to personally affirm, adopt, or adhere to a divisive concept.

80 (3) Require its students, employees, or contractors to
81 attend or participate in any diversity, equity, and inclusion
82 program or any training, orientation, or course work that
83 advocates for or requires assent to a divisive concept.

84 (4) Require a student, employee, or contractor to share



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85 his or her personal point of view on any divisive concept
86 outside of an academic setting, as provided in Section 4(3)b.

87 (5) Require its students, employees, or contractors to
88 participate, as part of any required curriculum or mandatory
89 professional training, in an activity that involves lobbying
90 at the state or local level for legislation related to a
91 divisive concept.

92 (6) Penalize or discriminate against a student,
93 employee, or contractor on the basis of his or her refusal to
94 support, believe, endorse, embrace, confess, or otherwise
95 assent to a divisive concept or diversity statement.

96 (7) Condition enrollment or attendance in a class,
97 training, or orientation solely on the basis of race or color.

98 (8) Authorize or expend funding, or apply for or accept
99 a grant, federal funding, or private funding, for the purpose
100 of compelling assent to any divisive concept or any other
101 purpose prohibited in this act, provided that such funding may
102 be provided to student, faculty, or staff organizations or
103 associations.

104 Section 3. All state agencies and political
105 subdivisions, including local boards of education and public
106 institutions of higher education, may discipline or terminate
107 the employment of any employee or contractor who knowingly
108 violates this act, provided that:

109 (1) Any disciplinary action or termination of an
110 employee of a public institution of higher education shall
111 remain subject to relevant policies established by the
112 institution.



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113 (2) Termination of an employee or contractor of a local
114 board of education remains subject to the appeal of the
115 termination to the local board of education or State Board of
116 Education if applicable, or, if applicable, the Teacher
117 Accountability Act, Chapter 24B of Title 16, Code of Alabama
118 1975, and the Students First Act, Chapter 24C of Title 16,
119 Code of Alabama 1975.

120 (3) No state agency or political subdivision may
121 terminate a contract or contractor under this section unless a
122 contractor in this state knowingly violated this act in the
123 course of his or her contractual obligation.

124 Section 4. Nothing in this act:

125 (1) Prevents student, staff, or faculty organizations
126 or associations from hosting diversity, equity, and inclusion
127 programs or discussions that may involve divisive concepts,
128 provided that no state funds are used to sponsor these
129 programs. If a student, staff, or faculty organization or
130 association hosts an event pursuant to this subdivision, it
131 shall identify the sponsor of the event at the event and in
132 any advertisements relating to the event.

133 (2) Prevents an employee or a contractor of a state
134 agency, local board of education, or public institution of
135 higher education who provides, as part of his or her job
136 duties, orientation, course work, or training from responding
137 to questions that are raised by participants in the
138 orientation, course work, or training and that pertain to
139 divisive concepts or diversity, equity, and inclusion.

140 (3)a. Prohibits a public institution of higher



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141 education from providing any instruction or taking any action
142 in furtherance of satisfying any accreditation standard or
143 requirement.

144 b. Prohibits a public institution of higher education
145 from authorizing the teaching or discussion of any divisive
146 concept in an objective manner and without endorsement as part
147 of a larger course of academic instruction, provided the
148 institution and its employees do not compel assent to any
149 divisive concept and otherwise comply with the provisions of
150 this act.

151 c. Prohibits the required collection or reporting of
152 demographic data by public institutions of higher education.

153 (4) Prohibits the teaching of topics or historical
154 events in a historically accurate context.

155 (5) Prohibits an institution of higher education from
156 performing research, collecting data, engaging in recruiting
157 and outreach programs, offering academic support services,
158 engaging in clinical trials, or providing medical, mental, or
159 any health care or clinical services targeted to support
160 individuals of any specific demographic.

161 (6) Prevents state agencies from promoting racial,
162 cultural, or ethnic diversity or inclusiveness, provided these
163 efforts are consistent with the requirements of this act.

164 (7) Prohibits a public institution of higher education
165 from providing space or ancillary services to any student or
166 employee on a non-discriminatory basis, including, but not
167 limited to, support and guidance to ensure compliance with
168 applicable university policies and laws, assistance with



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169 security needs, and registration of events.

170 (8) Prohibits housing, athletic programming, or social
171 organizations that are segregated by sex. Each public
172 institution of higher education shall ensure that every
173 multiple occupancy restroom be designated for use by
174 individuals based on their biological sex, as defined by
175 Section 16-1-54, Code of Alabama 1975.

176 (9) May be construed to inhibit or violate the First
177 Amendment rights of any student or employee, or to undermine
178 the duty of a public institution of higher education to
179 protect, to the greatest degree, academic freedom,
180 intellectual diversity, and free expression, provided that
181 none of these protected tenets conflict with this act.

182 (10) Shall be deemed to affect or revise any provision
183 in state law requiring that membership of a state board,
184 commission, or authority be inclusive and reflect the racial,
185 gender, geographic, urban, rural, and economic diversity of
186 the state, nor impact any public official appointed to a state
187 board, commission, or authority as of October 1, 2024.

188 (11) May be construed to affect or limit the activities
189 of the Alabama Office of Minority Affairs.

190 Section 5. It is the intent of the Legislature that all
191 constitutionally created boards of trustees comply with the
192 requirements of this act.

193 Section 6. The provisions of this act are severable. If
194 any part of this act is declared invalid or unconstitutional,
195 the declaration shall not affect the part which remains.

196 Section 7. This act shall become effective on October



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197 1, 2024.